

Comparative List of Systems of MLA and Extradition in the Participating Countries

MLA	KHM	IDN	JPN	KOR	LAO	MYS	MMR	PHL	SGP	THA	VNM
Domestic Law	Code of Criminal Procedure (CCP)	2006 No.1 Act on MLA in Criminal Matters	1980 Law on International Assistance in Investigation	Act on International Judicial Mutual Assistance in Criminal Matters	None	2002 Mutual Assistance in Criminal Matters Act	2004 Mutual Assistance in Criminal Matters Law	None	Mutual Assistance in Criminal Matters Act	1992 Act in Mutual Assistance on Criminal Matters	2008 Law on MLA
Treaty required?	No (with reciprocity)	No (with reciprocity)	No (with reciprocity)	No (with reciprocity)	No (with reciprocity)	No (If no treaties, special direction by the Minister of Legal Affairs with AG's recommendation is required)	No (with reciprocity)	No (with reciprocity)	No (with reciprocity)	No (with reciprocity)	No (with reciprocity)
Compulsory judicial intervention possible without treaties?	Yes	Yes	Yes	Yes	Yes	Yes if reciprocity is given & dual criminality satisfied	No	No (if execution would require court intervention)	Yes, if reciprocity undertaking provided	Yes	Yes
Can UNCAC be the basis?	Yes	Yes	Not ratified yet	Yes (after ratification in 2008)	Yes	Yes (after ratification)	Not ratified yet	Yes	No	Yes	Yes
Member of ASEAN MLAT?	Yes	Yes	No	No	Yes	Yes (Secretariat)	Yes	Yes	Yes	No	Yes
Requesting (Central) Authority	MOJ (MFA if no treaty)	Minister of Law and Human Rights	MOJ, NPA (MOFA if no treaty)	MOJ (through MOFA)	MOJ	AGC	MOHA and other organizations (MOFA if no treaty)	DOJ, OMB (only for States Parties to UNCAC or in the absence of bilateral treaty with the Philippines)	AGC	OAG (MOFA if no treaty)	SPP (MOFA if no treaty)
Requested (Central) Authority	MOJ (MFA if no treaty)	Minister of Law and Human Rights	MOJ (MOFA if no treaty)	MOJ (through MOFA)	MOJ	AGC	MOHA and other organizations (MOFA if no treaty)	DOJ, OMB (only for States Parties to UNCAC)	AGC	OAG (MOFA if no treaty)	SPP (MOFA if no treaty)
Who is involved in executing the request?	MOJ, Prosecutor General, Anti-Corruption Unit	Police, AG, PP, KPK	MOJ, PPO, NPA, Police	Prosecution Service	MOFA, MOJ, Ministry of Public Security, Supreme People's Court	Police, MACC, Central Bank, Multimedia & Communication Commission, Customs, Immigration etc	Bureau of Special Investigation (BSI), Myanmar Police Force, Ministry of Home Affairs	DOJ, OMB, National Bureau of Investigation (NBI), AMLC (for bank records)?	AGC, Ministry of Law, relevant law enforcement agencies	Police Commissioner General, State Attorney Director for Litigation, Director General of the Correctional Department	Investigation Police Office, Security Investigation Agency of Ministry of Public Security, Court
Dual criminality required?	Yes	Yes	Yes (exceptions by treaties)	Yes (Discretion)	Yes	Yes	Yes	No	Yes	Yes (exceptions by treaties)	Yes
Language (Is English version acceptable?)	English and French are available	English is acceptable	Japanese (cannot be substituted but can be supplemented by English version)	English acceptable	Lao and English (both)	Yes	Burmese and English (both)	Yes	Must be in English	Yes	SPP translates the request
Non-Conviction-Based Confiscation?	Yes	No	No	No	No	Yes	No	Yes	Yes	No	No

Extradition	KHM	IDN	JPN	KOR	LAO	MYS	MMR	PHL	SGP	THA	VNM
Domestic Law	2007 CCP	1979 No.1 Act on Extradition	1953 Extradition Law	Extradition Act	2012 Law on Extradition	1992 Extradition Act	1903 Extradition Act (not working)	Extradition Law (P.D. 1069)	Extradition Act	2008 Extradition Act	2008 Law on MLA
Treaty required?	No (with reciprocity), Art. 567)	No (with reciprocity)	No (with reciprocity)	No (with reciprocity)	Yes	No (Special Direction of Minister of Legal Affairs with AG's recommendation)	n/a	Yes	Yes, unless declared commonwealth countries	No (with reciprocity)	No (with reciprocity)
Can UNCAC be the basis?	Yes	Yes	Not ratified yet	No	Yes	Yes (after ratification)	Not ratified yet	No	No	Yes	No
Requesting (Central) Authority	MOJ	Minister of Law and Human Rights through MOFA	MOFA	MOJ (through MOFA)	People's Supreme Prosecutor	Minister of Home Affairs (AGC examines) through MOFA's diplomatic channels	n/a	DOJ	AGC	OAG (MOFA if no treaty)	Ministry of Public Security
Requested (Central) Authority	MOJ (through MOFA) (Art.579)	Minister of Law and Human Rights through MOFA	MOFA	MOJ (through MOFA)	People's Supreme Prosecutor	Minister of Home Affairs (AGC examines) through MOFA's diplomatic channels	n/a	DOJ	AGC	OAG (MOFA if no treaty)	Ministry of Public Security
Who is involved in executing the request?	MOJ, PG, Investigation Chamber of Phnom Penh Court of Appeal	Police, AG, KPK	MOJ, PPO	Prosecution Service	MOFA, MOJ, Ministry of Public Security, Supreme Court	Royal Malaysia Police, Magistrate Court, Sessions Court	n/a	DOJ, NBI (National Bureau of Investigation), Regional Trial Court	AGC, Ministry of Law, Magistrate	Public Prosecutor, Court	SPP, Supreme People's Court, Provincial People's Procuracies & Courts
Dual criminality required ?	Yes (Art. 569)	Yes	Yes	Yes	Yes	Yes	n/a	Yes	Yes	Yes (exceptions by treaties)	Yes
Extradite own nationals?	No (Art. 566)	Discretion	No (exceptions by treaties)	Discretion	No	Discretion	n/a	Discretion (exceptions by treaties)	Yes	No	No
Provisional arrest possible?	Yes (Art. 581)	Yes	Yes	Yes	Yes	Yes	n/a	Yes	Yes	Yes	Yes